

Appl. No.: 10/626,903  
 Amdt. dated: September 23, 2004  
 Reply to Office action of 07/13/2004

# **REMARKS / ARGUMENTS**

In the office action of July 13, 2004, claims 1-20 were rejected.

Claims 1-20 stand rejected under 35 USC 103(b) as unpatentable over Peters et al., US Patent No. 6,002,263 (Peters). However, the office action concedes that Peters does not disclose a thermal device arranged to modify the temperature of the device supporting surface 42a and relies on Kholodenko et al., US Patent No. 6,310,755 (Kholodenko) for disclosing a heater 235 for heating a substrate 30 supported on the upper surface 120 of a dielectric layer 115. Therefore, the applicants submit that claims 1-20 are not anticipated by or obvious from Peters.

Further, Peters discloses that it is the outer enclosure 12 and the positioner housings 16a, 24a, and 30a, collectively, not the dielectric spacers 54, the inner enclosure 52, or the bars 66, that separate the remainder of the probe station from environmental noise sources, including motors, cables, heaters, switches, etc. "whether located externally of the enclosure 12 or internally, thereof inside the positioner housings" (column 3, line(s) 8-17). The applicants submit the bars 66, inner enclosure 52 and dielectric spacers 54 do not separate a noise source in the positioner housing 30 from the surface 42a (see FIG. 3) and the combination of the outer enclosure and the positioner housings does not conform to the limitations of claims 1 and 11. On the other hand, Kholodenko makes no suggestion concerning separating the mounting surface 120 from the thermal device 250 or any other noise source and, in fact, relies on the accumulation of electrical charges (noise) on the device supporting surface to restrain the substrate 30. The applicants submit claims 1 and 11, and, therefore claims 2-10 and 12-20 are not obvious from Peters and Kholodenko because none Kholodenko nor Peters nor the combination thereof disclose a probe station enclosure having the limitations recited in claims 1 and 11.

In any event, the applicants assert that at the time the invention claimed in application serial number 10/626,923 was invented, the invention and the subject matter disclosed in Peters et al., US Patent No. 6,002,263 were owned or subject to an obligation of assignment to the same entity, Cascade Microtech, Inc. The applicants refer to the assignment records (reel/frame: 014335/0083 and reel/frame 008615/0534, respectively) as further evidence of the common ownership. The applicants submit that claims 1-20 are not obvious from Kholodenko

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and, pursuant to 35 U.S.C. 103(c), are not obvious from Peters or a combination of Peters and any other art. The applicants respectfully request withdrawal of the rejection of claims 1-20.

Costello et al., US Patent No. 6,104,203 (Costello) was made of record but not relied on in the office action. According to the office action, Costello discloses an enclosure for a device under test and a temperature controlled chuck. The applicant submits that while Costello discloses that the apparatus "may include an enclosure for the device under test and the chuck for the purposes of ensuring that there is no air borne contamination of the device under test," Costello does not disclose or suggest an enclosure having the limitations recited in claims 1-20 and, therefore the claims are not anticipated by or obvious from Costello.

Sano, US Patent No. 5,550,482 (Sano) was also made of record but not relied on in the office action. According to the office action, Sano discloses an enclosure for a wafer mounting stand and a chuck having a temperature adjustment mechanism. However, the applicant submits that Sano does not disclose or suggest an enclosure having the limitations recited in claims 1-20 and, therefore the claims are not anticipated by or obvious from Sano.

Schwindt US Patent No. 5,610,529 (Schwindt) was also made of record but not relied on in the office action. The applicants assert that at the time the invention claimed in the instant application was invented, the invention and the subject matter disclosed in Schwindt were owned or subject to an obligation of assignment to the same entity; Cascade Microtech, Inc. The applicants refer to the assignment records (reel/ frame: 014335/0083 and reel/frame 007459/0062, respectively) as further evidence of the common ownership. The applicants submit the claimed invention is not anticipated by Schwindt and, pursuant to 35 U.S.C. 103(c), is not obvious from Schwindt and any other art.

The applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes that for any reason direct contact with applicants' attorney would

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advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

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